

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DON WAYNE McDANIEL, et al.,)	
Plaintiffs,)	Docket No. 05 C 1008
vs.)	
QWEST COMMUNICATIONS)	
CORPORATION, et al.,)	Chicago, Illinois
)	July 18, 2006
Defendants.)	9:20 a.m.

TRANSCRIPT OF PROCEEDINGS - Motion
BEFORE THE HONORABLE REBECCA R. PALLMEYER

APPEARANCES:

For the Plaintiffs:	SUSMAN HEFFNER & HURST, LLP BY: MR. ARTHUR T. SUSMAN MR. WILLIAM T. GOTFRYD Two First National Plaza, Suite 600 Chicago, Illinois 60603
For the Defendant QWest:	RACHLIS, DURHAM, DUFF & ADLER, LLC BY: MR. KEVIN B. DUFF 542 South Dearborn Street, Suite 900 Chicago, Illinois 60605
For the Defendant Sprint:	PRETZEL & STOUFFER, CHARTERED BY: MR. JAMES J. SIPCHEN One South Wacker Drive, Suite 2500 Chicago, Illinois 60606
Court Reporter:	FRANCES WARD, CSR, RPR, FCRR Official Court Reporter 219 S. Dearborn Street, Suite 2118 Chicago, Illinois 60604 (312) 435-5561 frances_ward@ilnd.uscourts.gov

1 THE CLERK: 05 C 1008, McDaniel versus Qwest
2 Communications for status.

3 MR. GOTFRYD: Good morning, Judge.

4 Bill Gotfryd and Art Susman for the plaintiffs.

5 MR. SIPCHEN: Good morning, your Honor.

6 Jim Sipchen for Sprint.

7 MR. DUFF: Good morning, your Honor.

8 Kevin Duff for Qwest.

9 THE COURT: Good morning.

10 I received correspondence just to confirm, I think,
11 a comment.

12 I am sorry that, Mr. Gotfryd, you got the
13 impression I thought you should stipulate to the Court's
14 jurisdiction. I recognize there is no way you can do that.
15 I meant that you needed to stipulate to the citizenship of
16 the various individuals and make it clear to me on the record
17 that there is jurisdiction. And I think the defendants have
18 volunteered to do that, and I am going to direct that it
19 happen, because I am uncomfortable having the case at this
20 stage already without any clear statement of diversity
21 jurisdiction.

22 MR. GOTFRYD: I don't have any problem with regard
23 to citizenship issues. I just didn't want to get into a
24 paper tussle on issues of federal question, which we have
25 differences on.

1 My dealings with a lot of issues with some of the
2 defendants' counsel has been difficult. And rather than get
3 involved in that, I was trying to avoid it, if I could.

4 But as far as the citizenship of the various
5 individuals and limited partnerships and the corporate lien,
6 I have no problem with that. We will tend to that
7 immediately.

8 THE COURT: All right. What is our status
9 otherwise?

10 MR. GOTFRYD: Well, we are still in settlement
11 negotiations. The date, which we had thought we had set,
12 which was reflected in the recent correspondence of the
13 Court, for July 17th is not going to work out because West's
14 litigation counsel cannot make it for that session in New
15 York.

16 But it has been continued for August 7th, on
17 Monday.

18 I am not in a position to recommend odds to the
19 Court on whether or not it's going to be successful. One
20 would say that patience is wearing quite thin, so we could
21 very well have a more decisive position right after the 7th
22 of August.

23 If the Court will indulge us to set a new status
24 hearing shortly thereafter, that probably is the best way to
25 resolving the uncertainty right now.

1 THE COURT: Status soon after August 7th? Is that
2 what you are suggesting?

3 MR. GOTFRYD: If that's agreeable to defendants.

4 It seems to me if the Court will indulge us that
5 way, I think that would be appropriate.

6 THE COURT: Sure. August 10th all right? That's a
7 Thursday.

8 MR. DUFF: Your Honor, I am out that week. If we
9 can do the following week --

10 THE COURT: How about the 15th? That's a Tuesday.
11 All right. August 15th at 9 o'clock.

12 MR. DUFF: Thank you, your Honor.

13 THE COURT: All right.

14 MR. SIPCHEN: Thank you, your Honor.

15 MR. GOTFRYD: Thank you very much.

16 * * * * *

17 I certify that the foregoing is a correct transcript from the
18 record of proceedings in the above-entitled matter.

19 /s/ Frances Ward February 26, 2010.
20 Official Court Reporter
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